EXPLANATION OF

15

فروع الفقه

Ibn Al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allah (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allah make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allah facilitate the completion of this Sharh, and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

بسم الله الرحمان الرحيم

والحمد الله المحمود على كل حال ونعوذ بالله من حال اهل الضلال، وأشهد ان لا إلٰه الا الله وحده لا شريك له وأشهد أن سيدنا ونبينا محمدً عبده ورسوله، صلى الله عليه وعلى آله وصحبه والتابعين ومن تبعهم بإحسان الى يوم المعالي، أما بعد

Last week we took approximately six main Masā'il with some notes, and the Masā'il we took were, of course, all pertaining to the Khuff and the socks.

- The first main Mas'alah that we took is 'do you wipe the upper part of the Khuff and socks, the lower part, or both of them?'.
- Then the second Mas'alah we took is 'do you wipe over the right Khuff, then the left one, or do you wipe over both of them together?'.
- Then we took some notes, and then the third Mas'alah that we took was 'is there repetition in wiping over the Khuff and the socks?'. Do we repeat wiping over the Khuff and the socks?
- The fourth Mas'alah pertains to the Taharah of the Khuff, and there's actually two Masā'il under that.

The first sub-Mas'alah is [regarding] if the origin of the Khuff is made from something impure. The second sub-Mas'alah under this was [regarding] if there was some external Najāsah or impurity that touched or fell upon a Khuff or socks.

- The final Mas'alah that we took, the sixth one, it's more of a note, which is to affirm that wiping over the Khuff is only when one invalidates his Wudhu' by matters of minor impurity.

With that we completed the explanation of the author's statements pertaining to the Khuff and what we added of Masā'il on top of that. Now the author's going to start with the major purification, the matters pertaining to major impurity. Some of what we took in Wudhu' applies here, some of the Masā'il apply here, and there will be no need to go over that again to save us some time.

So the author, رحمه الله, says,

واما الطهارة الكبرى، فتحتوي على سنة، وواجب. الواجب النية. وتعميم سائر الجسد.

The major purification, the major ritual purification, it consists of obligatory acts and recommended acts. He starts off with the obligatory acts. There's two of them: intention and washing the entire body. الواجب النية . The obligatory acts are, number one, Niyyah. And Niyyah, we went over that in Wudhu', the same applies here so there's no need to go over it again. When you're ordered to do something, as a Wājib or a Sunnah, the Niyyah makes the 'Ibadah. You need the Niyyah to make it an 'Ibadah. Like we said, if someone went in the shower after work to cool off, for two hours under the shower, he had no intention of purifying himself from Janābah, that would not be proper Ghusl for 'Ibadah purposes. Or if someone took a dive to have some fun, with no intention of purifying himself from Janābah, that would not be sufficient for an 'Ibadah.

الواجب النية. وتعميم سائر الجسد.

So after intention the second obligatory matter is washing the entire body. We're done with the Niyyah. Washing the entire body, that means to let the water flow over from over the entire body. There's an 'Ijma on this Mas'alah and it was related by As-San'āni رحمه الله تعالى. There's many Ahādīth that describe the Wudhu' of Rasūlullāh صلى الله عليه وسلم, and among them are some that are in Bukhāri and Muslim. And among those that we will always be referring to, first of all Is Hadīth Ā'ishah:

قَالَتْ كَانَ رَسُولُ اللَّهِ صلى الله عليه وسلم إِذَا اغْتَسَلَ مِنَ الْجَنَابَةِ غَسَلَ يَدَيْهِ، وَتَوَضَّأَ وُضُوءَهُ لِلصَّلاَةِ ثُمَّ اغْتَسَلَ، ثُمَّ يُخَلِّلُ بِيَدِهِ شَعَرَهُ، حَتَّى إِذَا ظَنَّ أَنْ قَدْ أَرْوَى بَشَرَتَهُ، أَفَاضَ عَلَيْهِ الْمَاءَ ثَلاَثَ مَرَّاتٍ، ثُمَّ غَسَلَ سَائِرَ جَسَدِهِ.

Ā'ishah (رضي الله عنها), describing the Wudhu' of Rasulullah صلى الله عليه وسلم from Janābah, said, *"He washed his hands, and then he made Wudhu' like the Wudhu' that he would make for Salah, then he took a bath and permeated or rubbed his hair until he felt the skin of his head had become wet. Then he would pour water three times and wash the rest of his body."*

Another Hadīth that we will be referring to insha'Allah is Hadīth Maymūnah رضي الله عنها.

قَالَتْ: وَضَعَ رَسُولُ اللَّهِ –صلى الله عليه وسلم– وَضُوءًا لِجَنَابَةٍ فَأَكْفَأَ بِيَمِينِهِ عَلَى شِمَالِهِ مَرَّتَيْنِ، أَوْ ثَلاَثًا، ثُمَّ غَسَلَ فَرْجَهُ، ثُمَّ ضَرَبَ يَدَهُ بِالأَرْضِ ـ أَوِ الْحَائِطِ ـ مَرَّتَيْنِ أَوْ ثَلاَثًا، ثُمَّ مَضْمَضَ

وَاسْتَنْشَقَ، وَغَسَلَ وَجْهَهُ وَذِرَاعَيْهِ، ثُمَّ أَفَاضَ عَلَى رَأْسِهِ الْمَاءَ، ثُمَّ غَسَلَ جَسَدَهُ، ثُمَّ تَنَحَّى فَغَسَلَ رِجْلَيْهِ. قَالَتْ فَأَتَيْتُهُ بِخِرْقَةٍ، فَلَمْ يُرِدْهَا، فَجَعَلَ يَنْفُضُ بِيَدِهِ.

Maymūnah رضي الله عنها said when the water was prepared so the Messenger صلى الله عليه وسلم can make Ghusl from the Janābah, he poured water from his right hand over his left two or three times. Then he washed his private parts, and then he rubbed his hand on the ground, or on the earth, or on a wall 2-3 times. And then he made Wudhu', and then he poured water over his head and washed his body, and then he left from that place and he washed his feet, and we'll talk about why that happened. The Messenger صلى الله عليه وسلم was then handed a towel, a cloth, to dry himself with. But he didn't take it, and instead he removed the water and the traces of water upon his body with his own hands.

Jabir ibn 'Abdullah was also asked about the Ghusl of Rasulullah صلى الله عليه وسلم and he said:

كَانَ النَّبِيُّ صلى الله عليه وسلم يَأْخُذُ ثَلاَثَةَ أَكُفٍّ وَيُفِيضُهَا عَلَى رَأْسِهِ، ثُمَّ يُفِيضُ عَلَى سَائِرِ جَسَدِهِ. فَقَالَ لِي الْحَسَنُ إِنِّي رَجُلٌ كَثِيرُ الشَّعَرِ. فَقُلْتُ كَانَ النَّبِيُّ صلى الله عليه وسلم أَكْثَرَ مِنْكَ شَعَرًا

Jabir ibn 'Abdullah was also asked about the Ghusl of Rasulullah صلى الله عليه وسلم, he said:

The Messenger صلى الله عليه وسلم would take three handfuls of water and then he would pour them over his head and pour more water over his

entire body. He was asked by someone, 'I have a lot of hair on my head.' He said, 'The Messenger of Allah صلى الله عليه وسلم had more hair than you.'

So based on those Ahādīth and other Ahādīth, the 'Ulamā', like Al-Kasani in Bada'i' al-Sana'i', ibn Muflih in Al-Mubdi', Baha Ad-Deen Al-Maqdisi in al-'Uddah fi Sharh al-'Umdah, and other 'Ulamā' said, the order to wash for Ghusl clearly indicates, from those Ahādīth, that water must encompass the entire body.

So if a person has the proper Niyyah to purify himself from Janābah, he walks into the present-day showers that we have that are coming out of the wall, he lets the water encompass his entire body and he walks out, he's good to go for Salah. We don't need to go over the issue of Madhmadah and Istinshāq, because we already took that under Wudhu' and the same applies here. What we just mentioned was two matters: intention and washing the entire body. What does that do? That gives a Sifatu Ijza'. Sifatu Ijza; is a Fiqh term given to a Ghusl that contains the necessary, essential, bare minimum one can do. And it's taken from the verse:

وَإِن كُنتُمْ جُنُبًا فَاطَّهَّرُوا

Sifatu Ijza' is just the obligatory matters that you have to do. It's called صفة اجزاء وهي مشتملة على الواجبات فقط. It's the Ghusl that gets you by to perform an 'Ibadah you were otherwise not able to perform. The sufficient, acceptable, bare minimum type of Ghusl. All it is is of course the Niyyah, and letting the water encompass the entire body.

Now he's going to start on the second type of Ghusl. The Second type of ghusl is Sifatul Kamal. And here's where the author's going to start on that. It's actually the more comprehensive Ghusl, the more complete Ghusl.صفة الكمال وهي مشتملة على الواجبات والسنن . It's doing the obligatory matters with the additions and extras on top of that.

The author's statement on Mustahabāt of the Ghusl starts off with

والمستحب غسل ما به من أذى، والوضوء، والغسل ثلاثا، والدلك، والتيامن، والتسمية، وتخليل الشعر، وغسل قدميه في غير موضعه إذا لم يكن مبلطا

So basically, now he's saying these are the Mustahabāt of the Wudhu'. What are they? The Mustahabāt, he said (the recommended, Sunnah acts of the Wudhu) are, number one, washing off any filth, and performing wudhu, and washing three times, and rubbing the body with the hands, starting with the rights side, mentioning the name of Allah سبحانه وتعالى in the beginning, permeating or running the fingers through the hair to get water in the skin under it. And then washing the two feet in another place, if its not tiled. This is Mustahabāt. He mentioned eight of them. And the author here uses the term Mustahabb. The 'Ulama' of Shafi'iyyah and Hanabilah consider Mustahabb and Sunnah synonymous of each other. In fact, they consider Mustahabb, Sunnah, Tatawu', Fadheelah, Ragheeba, Nafila, Mandub, they consider those all synonymous of each other. The Malikiyyah allege a slight difference in that. Hanafiyyah mention a much bigger difference than that, and that's a topic better addressed in a Usūl class. Those matters that are mentioned by the author under the Mustahabāt are the matters that are lesser in rank than the Wājibāt, where

they're defined as matters that one gets a reward for if he does them, but no sins if he leaves them out. These are the non-obligatory additions, and they are what make the Ghusl complete and comprehensive and give it the title Sifatul Kamal. And there's some disputes pertaining to some matter within them, and we'll insha'Allah take them one by one.

والمستحب غسل ما به من أذى

The first one he says, of the Sunan or the Mustahabāt is washing off any filth, Starting off by washing off any filth. That is a Sunnah according to all four of the Imams. Malik, Abu Haneefah, Ash-Shafi'i and Imam Ahmad. And the proof on that is in two of the Hadīth that we mentioned earlier. Hadīth Maymūnah, when she said

: وَضَعَ رَسُولُ اللَّهِ –صلى الله عليه وسلم– وَضُوءًا لِجَنَابَةٍ فَأَكْفَأَ بِيَمِينِهِ عَلَى شِمَالِهِ مَرَّتَيْنِ، أَوْ ثَلاَثًا، ثُمَّ غَسَلَ فَرْجَهُ

That's our point. ثُمَّ غَسَلَ فَرْجَهُ . "And then he washed his private parts". So he poured water with his right hand over his left two or three times, and then he washed his private parts. Also Hadīth Ā'ishah:

كَانَ رَسُولُ اللهِ صلى الله عليه وسلم إِذَا اغْتَسَلَ مِنَ الْجَنَابَةِ، يَبْدَأُ فَيَغْسِلُ يَدَيْهِ، ثُمَّ يُفْرِغُ بِيَمِينِهِ عَلَى شِمَالِهِ، فَيَغْسِلُ فَرْجَهُ،

Same thing. That the Messenger صلى الله عليه وسلم, when he took his Ghusl from Janābah, he started off washing his hands and then he poured water

with his right hand on his left hand, then he washed his private parts. If there's Adha, or what's best translates maybe as filth, it should be washed off, as the Messenger صلى الله عليه وسلم did from that start. That's a sunnah. If the Adha is dry, and it acts as a barrier from the water reaching the flesh, then it must be washed off. It's no longer a Sunnah, and we took that issue in the matters of Wudhu'.

The second sunnah of Ghusl that the author mentions is والوضوء. The second one of the Mustahabāt is making Wudhu' before the Ghusl bathing, and he said that's Sunnah and there's actually an Ijma' narrated on that. The Ijma' is narrated by Ibn 'Abd Al-Barr, An-Nawawi, and Ibn Battah. The proof on that is Hadīth Maymūnah, I told you were going to be referring to it.

ثُمَّ تَوَضَّأَ وُضُوءَه للصَّلاة

And Hadīth Ā'ishah,

ثُمَّ يتَوَضَّأُ وُضوءَه لِلصَّلاَةِ

Both of these Ahādith state that the Messenger صلى الله عليه وسلم made Wudhu' prior to Ghusl.

Now Ibn Hazm Adh-Dhahiri and Dawud Adh-Dhahiri adopted an opinion against the four Imams, and it's that the Wudhu' is Wājib, and that you must do Wudhu' before the Ghusl. The four Imams responded and said that it can't be Wājib. In fact, Ibn 'Abdal-Barr and Ibn Hajr narrated an

Ijma' that Wudhu' before the Ghusl is not Wājib. Among the proof is وَإِن كُنتُمْ جُنُبًا فَٱطَّهَّرُواْ, the verse. If you're Junub, purify yourself. If it was Wājib, they said Allah would have mentioned it in the verse. In the Hadīth in Bukhari, it's a long Hadīth, where a man was Junub, there was no water, and then when they found water, the Messenger صلى الله عليه وسلم gave a pot full of water to that person and he said, *"pour this over your body."* اذهَبْ فأفرِغْه عليك.

And also, Hadīth Umm Salamah:

إنَّما يَكْفِيك أن تَحْثِي على رأْسِك ثلاث حَثَيَاتٍ ثم تُفِيضِينَ عليك الماء فَتَطْهُرين

It's enough for you to throw three handfuls of water over your head, and then pour water over yourself, and you'll be purified.

How are those proof against the Dhahiriyyah? The Messenger صلى الله عليه وسلم told the Bedouin, take this and pour it over yourself. The verse simply says purify yourself. Hadīth Umm Salamah, the Messenger صلى الله عليه وسلم said pour the water over yourself and you'll be pure. The Messenger صلى الله عليه وسلم did not request that they make Wudhu' in any of those Ahadīth or in the verse. In fact, in Hadīth Umm Salamah he (صلى الله عليه وسلم) specifically said "all you have to do", 'Innama'. And 'innama' in 'Arabi is (**ادات حصر**) Adāt Hasr. 'Innama' serves as a limitational function. Just pour water over yourself and nothing else.

The Dhahiriyyah's proof is from the verse, the same verse. وَإِن كُنتُمْ جُنُبًا فَٱطَّهَّرُواْ. They said yes, that verse is broad and general, and yes, it didn't specifically say you need to do Wudhu', but the consistent action of the Rasool صلى الله عليه وسلم performing Wudhu' before Ghusl shows it's Wājib. That could be solid, had there not been Ahādīth like the ones we mentioned, where they are clear in mentioning Ghusl, yet not requiring Wudhu' before it, and likewise the ayah. The Messenger صلى الله عليه وسلم would have made it clear in those Hadīth, and would not have delayed it.

The next sunnah or Mustahabb of wudhu' is والغسل ثالثا . This may mean washing the hands three times or washing the entire body three times. We'll take both scenarios, just like we took the scenarios pertaining to the term 'Satir'.

As to washing the hands three times, according to all four of the Imams it's Sunnah to wash the hands three times prior to the Ghusl because of Hadīth Ā'ishah رضي الله عنها ,

فَبَدَأَ فَغَسَلَ كَفَّيْهِ ثَلَاثًا

And then Hadīth Maymumah رضي الله عنها ,

فغسل كفيه مرتين أو ثلاثاً

What about washing the entire body more than once? Two times or three times? We're not talking about encompassing the entire body. If you need to pour water over yourself many times to encompass the body, that's obligatory. You got to make sure your entire body is touched by water. We're talking about someone who finished that. He encompassed his entire body with water, then he is trying to do it a second time and a third time.

The first opinion is by the Ahnaf/Hanfiyyah, Shafi'iyyah, and Hanabilah. They said its Mustahabb to do repetition in the Ghusl. And their proof on that is the Hadīth:

اغتسل من الجنابة، فبدأ فغسل كفيه ثلاثاً

He washed his hands three times when he started the Ghusl from Janābah, they said, so the rest goes along with it.

Then, another proof for them, or what they say is proof for them, is a Hadīth in Musnad Ahmad related by Ā'ishah describing the Ghusl of Rasulullah صلى الله عليه وسلم and that he did the Wudhu' in that Ghusl three times. So what's the point of that? They said in the first Hadīth, the Messenger صلى الله عليه وسلم washed his hands three times. In the second Hadīth, related by Ā'ishah in Musnad Ahmad, he washed his Wudhu' limbs three times prior to the Ghusl, so then by analogy, by Qiyās, the rest of the body follows along, and you do it three times.

And the response is, going three times in Wudhu' is established, as we mentioned in the past classes. But to do analogy and Qiyās to include

Ghusl in that is not correct. Because some of the causes for minor purification or Wudhu', are not the same causes for major purification or Ghusl. So you can't do Qiyās. Then, what's required in one, is not required in the other. For example, Tarteeb and Muwalāt. They're part of Wudhu', they're not part of Ghusl. So they're different. So just as they're different in their Wājibāt like that, they're different in their Sunan like this. Just like the Sunnah of going three times in Wudhu', they're different in that.

And also, the Hadīth that mentions that the Messenger صلى الله عليه وسلم went three times in his Wudhu' prior to Ghusl from Janābah that's in Musnad Ahmad, it has some issues in its narration, some 'Ulama' spoke about it.

The next proof is Hadīth in Sunan Abi Dawud,

فإذا فضل فضلة صبها عليه

The Hadīth said if some water was left over, the Messenger صلى الله عليه وسلم would pour it upon himself. They said the Hadīth is talking about what? Leftover, unused water. That means he completed his Ghusl. Because they're saying it's leftover water. What does he do with that water? They said, as in the Hadīth in Sunan Abu Dawud, he would pour the leftover over himself. That took place when? After he was done bathing. What does that mean? It means there was a repetition in the Ghusl. It had to be counted as a second time, because it's leftover after he was done. And if he did it more than once, then we can go and do it thrice as well.

That statement that they used in that Hadīth, فإذا فضل فضلة صبها عليه, just this statement of that Hadīth, that specific sentence is actually not authentic. Why? Because narrators like Malik, and Sufyan ibn 'Uyayna, Jafir ibn 'Awn, Waki' ibn Al-Jarrah, for a total of twelve narrators narrated that Hadīth from Hisham ibn 'Urwah without that addition فإذا فضل فضلة صبها عليه that's at the end of the Hadīth.

The second opinion on this matter is the opinion of the Malikiyyah, and the opinion of the Hanabilah, and the opinion that Ibn Taymiyyah رحمه الله selected, that it's not Mustahabb to go beyond once in Ghusl. Their proof on that is the Ahādīth describing the Ghusl of Rasulullah صلى الله عليه وسلم, like Hadīth Ā'ishah, Hadīth Maymunah, Umm Salamah and other Ahādīth. They didn't mention going three times in the Ghusl of Janābah. Those Ahādīth did not indicate he washed his body three times, or twice. They said, some mentioned that he washed his hands more than once, but they didn't mention that he repeated his Ghusl more than once, and that's more essential to be mentioned had he صلى الله عليه وسلم done that. In fact, Al-Bukhari has a chapter named after this, باب الغسل مرة واحدة. 'The chapter that Ghusl is only one time', and he mentioned under it Hadīth Maymūnah. The Hadīth that we mentioned. Ibn Battal commented on that by saying Maymūnah رضي الله عنها does not mention a number for the amount of times for Ghusl in that Hadīth, so it's taken to be the least, which is once, and that's the origin to go by.

In Ibn Rajab's Sharh for Bukhari, he said Maymunah رضي الله عنها told us the description for the Ghusl for Rasulullah صلى الله عليه وسلم, but she didn't mention that he repeated anything but washing his hands at the start, and that's a doubt, he said, from the narrator (if it was twice or three times). But as to the Ghusl itself, it's mentioned in general with no mention of repetition pertaining to the Wudhu' or Ghusl. Since it was not mentioned, and if there's no need for it, it may be considered Israf.

An-Nawawi رحمه الله تعالى related an Ijma' that it's deterred from to waste water even if you're at the shore of an ocean. And Abu Zayd Al-Qayrawani said using water excessively is Ghuluw and extremism and a Bid'ah. And we'll start Insha'Allah next week with Dalk, because of the Salah. Jazakumullahu Khayra.

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم